

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

DAVID DELL'AQUILA, on behalf of
himself and all others similarly situated,

Case No. 3:19-cv-00679

v.
Plaintiffs,

Judge William L. Campbell, Jr.

WAYNE LaPIERRE, the NATIONAL
RIFLE ASSOCIATION OF AMERICA,
and NRA FOUNDATION, INC.,

Magistrate Jefferey S. Frensley

Defendants.

**PLAINTIFF'S RESPONSE IN OPPOSITION
TO DEFENDANTS' MOTIONS TO DISMISS**

The Plaintiff, David Dell'Aquila, by and through his attorney, Elliott J. Schuchardt, files this Response in opposition to the motions to dismiss filed by Defendants Wayne LaPierre, the NRA Foundation, and the National Rifle Association. In support hereof, the Plaintiff states as follows:

Background

1. Defendants have filed motions to dismiss the complaint, primarily on grounds of lack of specificity.
2. The Plaintiff opposes such motions for the reasons set forth in the Plaintiff's memorandum of law, filed in support of the Plaintiff's motion for leave to amend the complaint.
3. The Plaintiff's existing complaint contains a great deal of specificity regarding the Plaintiff's claims. However, the Plaintiff has the ability to state such claims with even greater detail, as explained in his motion for leave to amend. Such motion is presently unopposed by Defendants.

WHEREFORE, for the reasons set forth above, the Plaintiff respectfully requests that the Court enter an order denying Defendants' motions to dismiss, and authorizing the Plaintiff to file an amended complaint in this case.

Respectfully submitted,

By: /s/ Elliott Schuchardt
Elliott J. Schuchardt
B.P.R. No. 027016

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CERTIFICATE OF SERVICE

I, Elliott J. Schuchardt, hereby certify that I served a true and correct copy of the foregoing Response in Opposition to Defendants' Motions to Dismiss on this 17th day of January 2020 by means of the Court's CM / ECF system:

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/s/ Elliott Schuchardt
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